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**State Government & Tribal Affairs**  
**Committee**

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**HB 1731**

**Brief Description:** Revising the rules for designation of party preference by partisan candidates.

**Sponsors:** Representatives Hunt, Armstrong, Appleton, Newhouse, Flannigan, Miloscia and Hudgins.

**Brief Summary of Bill**

- Revises the party preference designation choices that will appear on a primary and general election ballot.

**Hearing Date:** 2/17/09

**Staff:** Tracey O'Brien (786-7196)

**Background:**

Enacted in 2004, I-872 provided that all elections for partisan offices be conducted in two stages: a primary and general election. For partisan office, if a candidate has expressed party or independent preference on his or her declaration of candidacy, then that preference will be shown after his or her name on the primary and general election ballots. The Secretary of State can set forth by rule appropriate abbreviations for the party names. A political party cannot control the designation indicated by the candidate. In the primary election, voters may select any candidate listed on the ballot, regardless of the party preference of the candidate or voter. The candidates with the highest and second highest vote totals advance to the general election, regardless of their party preference.

A lawsuit was filed in federal court challenging the constitutionality of the Top Two Primary. As a result, the primary was not implemented prior to the U.S. Supreme Court decision in *State Grange v. Washington State Republican Party*, where the Court upheld the constitutionality of the "Top Two" primary. The first "Top Two" primary occurred on August 19, 2008.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

A candidate for partisan office may express a preference for a major political party or a minor political party on his or her declaration of candidacy. An expression of a major or minor political party preference may be done by party name, in whole or in part, or the use of the party trademark on the declaration of candidacy. However, if a candidate uses a major or minor party name in conjunction with any other descriptors, the party preference on the primary and general election ballot will simply be the name of the major or minor political party.

A party preference other than a major or minor political party, an independent preference or no indication of a party preference on the declaration of candidacy will result in the candidate's preference being expressed as "independent" on the primary and general election ballots.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.